

REMARKS

status of the claims:

With the above amendment, claim 9 has been amended. No new matter has been added by way of the above amendment. Claim 9 has simply been amended to recite that the microorganism is isolated. Reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §101

Claim 9 has been rejected under 35 USC §101 as not being directed to statutorily recognized subject matter. The Examiner asserts that claim 9 should be amended to recite that the microorganism of the claim 9 has been isolated. Applicants have amended the claim accordingly. Applicants believe that with this amendment that the rejection has been obviated. Withdrawal of the rejection is warranted and respectfully requested.

Rejections under 35 USC §112, first paragraph

Claim 9 has been rejected under 35 USC §112, first paragraph as allegedly not being enabled. The Examiner asserts that no averment has been made that any restriction regarding the availability of the microorganism *Pseudomonas strutzeri* CJ38 will be permanently removed. Accordingly, attached to this

reply, please find such an averment indicating that all restrictions regarding the permanent availability of *Pseudomonas strutzeri* CJ38 will be removed upon the grant of a patent. Applicants believe that with this averment that the rejection has been obviated. Withdrawal of the rejection is warranted and respectfully requested.

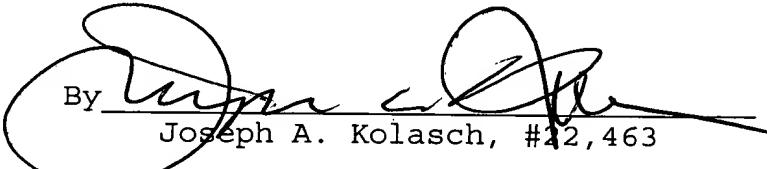
With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joseph A. Kolasch, #12,463

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Attachment: Declaration Regarding Deposit of Microorganisms

PATENT
1599-0206P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Se Young Lee et al Group: 1652
Serial No.: 09/937,215 Confirmation No.: 6757
Filed: September 24, 2001 Examiner: Patterson, C.
For: Trehalose synthase protein, gene, plasmids, microorganisms, and a process for producing trehalose

DECLARATION REGARDING DEPOSIT OF MICROORGANISMS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Joseph A. Kolasch, do hereby declare as follows:

I am Senior Counsel at BIRCH, STEWART, KOLASCH and BIRCH, LLP, with an office at 8110 Gatehouse Rd., Falls Church, VA 22042, and I have power of attorney on the above-identified application.

Culture of the following microorganism was deposited at Korean Culture Center of Microorganisms, Seoul Korea on the indicated date.

<u>Deposit Date</u>	<u>Scientific Description</u>	<u>Depository Designation</u>
February 12, 1999	<i>Pseudomonas strutzeri CJ38</i>	KCCM 10150

The above depository affords permanence of the deposit and ready accessibility thereto by the public if a patent is granted, under conditions which assure (a) that access to the culture will be available during pendency of said patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. 122, and (b) that all restrictions on the availability to the public of the above-mentioned culture will be irrevocably removed upon the granting of a patent.

This deposit is referred to on page 2, line 30 of the above-identified application and is identified by deposit number, name and address of the depository. The taxonomic description to the extent available is included in the specification.

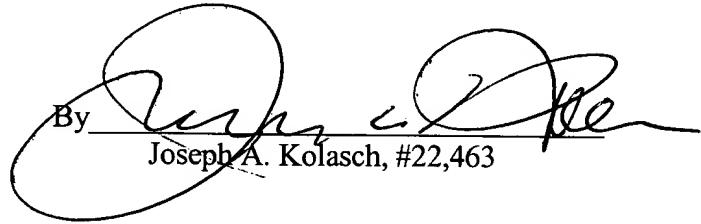
The undersigned hereby assures the permanent availability of said culture to the public through the above depository and in the event that any of the strains should become non-viable, mutate or inadvertently be destroyed, the undersigned will ensure replacement of the strains at the above-mentioned depository.

The above-mentioned deposit will be maintained (1) for thirty (30) years from the date of deposit, (2) for five (5) years after the last request for the deposit at the depository which is made during the enforceable life of any patent which will issue from the above-identified application or (3) for the enforceable life of any patent which issues from the present application, whichever is longer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: January 5, 2004

By 
Joseph A. Kolasch, #22,463